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Attorneys for Defendant

Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

ABSTRAX INC.,

Plaintiff,

vs.

SUN MICROSYSTEMS, INC.,

Defendant.

) Case No. 4:09-CV-5243-PJH
)
) **STIPULATED REQUEST TO**
) **RESCHEDULE THE DEADLINE**
) **FOR MEDIATION AND**
) **[PROPOSED] ORDER**
)
) Judge: Hon. Phyllis J. Hamilton
)
)

Pursuant to Civil L.R. 6-2, Defendant Sun Microsystems, Inc. ("Sun") respectfully requests that the Court reschedule the deadline for the parties to conduct mediation to October 29, 2010. Plaintiff Abstrax, Inc. ("Abstrax") stipulates to this request.

1 In Pretrial Order No. 1, the Court specified that mediation “should take place within 30 days
2 of the Court’s ruling on the discovery-related motions.” See Pretrial Order No. 1, Doc. No. 190. On
3 August 3, 2010, the Court ruled on these discovery-related motions and granted Abstrax’s motion to
4 compel production from Sun. See Order re Discovery Motions, Doc. No. 207.

5 In light of the Court’s order, the parties are now conducting additional discovery related to
6 Sun’s CDT software tool including, an inspection of source code, document production, and
7 depositions. However, the parties do not foresee completing this additional discovery prior to the
8 Court’s current deadline for mediation. The parties strongly believe that any mediation would be
9 much more effective if the parties complete this additional discovery prior to the mediation.
10

11 Thus, Sun requests that the Court reschedule the deadline for conducting mediation to
12 October 29, 2010.

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15 Dated: September 1, 2010

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17 By: /s/ Stephanie Wood
Stephanie Wood
NOVAK DRUCE + QUIGG LLP
Attorney for Defendant
SUN MICROSYSTEMS, INC.

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21 By: /s/ John Jeffrey Eichmann
John Jeffrey Eichmann
DOVEL & LUNER, LLP
Attorney for Plaintiff
ABSTRAX, INC.
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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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3 Dated: September 1, 2010



CERTIFICATION BY STEPHANIE WOOD PURSUANT TO GENERAL RULE. NO. 45,
SECTION X, RE E-FILING ON BEHALF OF MULTIPLE SIGNATORIES

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2
3 1. I am an attorney licensed to practice law in the state of California, and an associate in the
4 law firm of Novak Druce + Quigg LLP, counsel for defendant Sun Microsystems, Inc. The statements
5 herein are made on my personal knowledge and if called as a witness I could and would testify thereto.

6
7 2. The above e-filed document contains multiple signatures. I declare that concurrence has
8 been obtained from each of the other signatories to file this jointly prepared document with the Court.
9 Pursuant to General Rule No. 45, I shall maintain records to support this concurrence for subsequent
10 production for the Court if so ordered, or for inspection upon request by a party until one year after final
11 resolution of the action (including appeal, if any).

12
13 I declare under penalty of perjury under the laws of the United States of America that the
14 foregoing is true and correct.

15 Executed this 1st day of September, 2010, at San Francisco, California.

16
17 /s/ Stephanie Wood

18 Stephanie Wood
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